



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 30 2002

REPLY TO THE ATTENTION OF
St. Louis Smelting and Refining Site

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

N L Industries c/o
Prentice-Hall Corp System Inc.
1560 Broadway
Denver, Co 80202

EPA Region 5 Records Ctr.



283870

RE: St. Louis Smelting and Refining Site
General Notice of Potential Liability

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Develop and implement a site health and safety plan;
2. Provide security at the site when necessary;
3. Sample and characterize, surface soils and sediments in creeks and lakes throughout the site;

4. As necessary, excavate and dispose of contaminated soil throughout the site;

5. Fill excavated areas with clean soil. Restore and vegetate excavated areas to prevent soil erosion.

U.S. EPA has received information that your organization may have owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within ten (10) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

William Ryczek
U.S. EPA - Region 5
Emergency Enforcement & Support Section SE-5J
77 West Jackson Boulevard
Chicago, IL 60604-3590

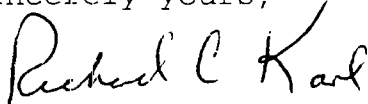
If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the facility and that your organization has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Peter Felitti of the U.S. EPA Office of Regional Counsel at (312)886-5114.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,

A handwritten signature in black ink, reading "Richard C. Karl". The signature is written in a cursive style with a large, stylized "R" and "K".

Richard C. Karl, Chief
Emergency Response Branch

bcc: Peter Felitti, ORC (C-14J)

Kevin Turner,

John Maritote, EESS (SE-5J)

William Ryczek, EESS (SE-5J)

Denise Battaglia, Public Affairs (P-19J)

Michael T. Chezik

Department of Interior, 200 Chestnut St., Room 244, Philadelphia, PA 19106

Alicia Corley, SETS (OS505)

Tony Audia, PAAS (MF-10J)

Records Center (SMR-7J)

bcc: Peter Felitti, ORC (C-14J)
Kevin Turner,
John Maritote, EESS (SE-5J)
William Ryczek, EESS (SE-5J)
Denise Battaglia, Public Affairs (P-19J)
Michael T. Chezik

Department of Interior, 200 Chestnut St., Room 244, Philadelphia, PA 19106

Alicia Corley, SETS (OS505)
Tony Audia, PAAS (MF-10J)
Records Center (SMR-7J)